

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Rules To Implement WRC-03 Regulations)	WT Docket No. 05-235
Applicable to Requirements for Operator)	
Licenses in the Amateur Radio Service)	

COMMENTS OF CQ COMMUNICATIONS, INC.

TABLE OF CONTENTS

Section.....	Paragraph #s
I. Executive Summary and Introduction.....	1-3
II. The Morse Code Examination Requirement.....	4-8
III. Entry-Level HF Operating Privileges.....	9-23
IV. Written Examination Content.....	24-26
V. Summary and Conclusion.....	27-30

I. Introduction and Executive Summary

1. CQ Communications Inc. is a leading publisher of magazines, books and videos for the amateur radio and general hobby radio markets. Our amateur radio periodicals include *CQ Amateur Radio* and *CQ VHF* magazines. *CQ Amateur Radio* is the leading independent amateur radio magazine in the United States, in continuous monthly publication since 1945. *CQ VHF* is dedicated to serving the interests of amateurs whose main operating interests lie above 50 MHz. In addition, CQ publishes *Popular Communications*, a general interest magazine for radio hobbyists, plus a full line of amateur radio-related books and videotapes. The company is headquartered in Hicksville, New York.

2. In this proceeding, the Commission proposes to eliminate Morse code testing as a requirement for both the General Class and Amateur Extra Class amateur radio licenses; it declines to propose any additional changes in licensing requirements, amateur licensing structure or operating privileges, and addresses several other related proposals made in the past two years by 18 different petitioners. CQ commented on the first seven of these petitions (RM-10781 - RM-10787) on September 23, 2003, agreeing at the time

with proposals to eliminate all Morse code testing and urging the Commission, among other things, to merge the Novice and Technician licenses, providing current holders of each license class with all the privileges of both and permitting the Commission to completely phase out the Novice license within ten years. Additional petitions and comments filed subsequent to that date have prompted us to revisit our initial comments, and these comments reflect some changes in viewpoint, although we stand by the vast majority of what we submitted originally.

3. Although our initial comments supported the elimination of Morse code exams for all classes of amateur licenses, we now believe that it would be in the best interest of the Amateur community to retain the exam requirement for Amateur Extra class while eliminating it for General Class. However, our major concern is that the Commission's proposal in this matter will make access to the high-frequency (HF) amateur bands *more difficult* rather than less difficult by eliminating an entry-level path that has been part of the amateur license structure in some form for more than 50 years. We believe it will be a mistake to make the General Class the entry class for HF.

II. The Morse Code Examination Requirement

4. We continue to believe that Morse code is an important and valuable operating mode in the Amateur Radio Service, and that it will continue to be so whether or not there is a requirement to pass a code exam in order to qualify for a specific class of license.

5. We continue to believe that there is little to no relationship between passing a Morse code exam and being a proficient Morse code operator, nor between Morse code proficiency and personal integrity. There are many excellent amateurs who have never taken a code test and many others who have passed 13- or 20-word-per-minute tests and still find themselves in trouble with the Commission's Enforcement Bureau.

6. While our initial comments supported the elimination of the code test requirement for both General Class and Amateur Extra Class, the more than 6,000 comments filed in response to the original 18 petitions seemed to very clearly show a consensus for maintaining the code test requirement for Extra while eliminating it for General. Most of those who favored eliminating the code exam altogether said they could accept keeping it for Extra as long as it was eliminated for General, while most of those who wanted to maintain the status quo said they could accept eliminating the code test for General as long as it was retained for Extra. We were frankly surprised that, on such a contentious issue in the amateur community, the Commission did not choose to propose this compromise position on which, it seems, both "camps" could find common ground.

7. In addition, looking at licensing statistics in the five years since the Commission's restructuring decision (WT Docket No. 98-143) took effect and the speed for the code exam was lowered to 5 words per minute for both General and Extra, the number of Extra Class licensees has increased by approximately 30,000 and the number of General Class licensees has increased by approximately 25,000. The 5 wpm exam thus does not appear to be a major impediment to upgrading.

8. On balance, we agree with the Commission's proposal to remove the code test requirement for General Class. However, in light of the clear consensus shown by the

initial comments, we believe that the correct course at this time is to maintain the 5 word-per-minute code test requirement for Extra while eliminating it for General.

III. Entry-Level HF Operating Privileges

9. Our major concern, though, is that along with its proposal to remove the code test requirement from amateur exams, the Commission - by its refusal to consider a new entry-level license (as proposed by two different petitioners) or to change Technician Class operating privileges - is taking amateur radio backwards a half century by making the General Class license the entry-level license for HF operating privileges.

10. In 1951, when the Commission changed the amateur licensing structure from Class A, B, and C licenses to the basis for the current structure, it provided an entry-level path to HF operating, the Novice Class license. Through all of the refinements and modifications since that time, there has always been a path to basic HF privileges that has not required qualifying for the full General Class license.

11. The Novice license, with its limited HF privileges, was the primary path of entry into the Amateur Service for 40 years, from its introduction in 1951 until 1991, when the Commission removed the Morse code exam requirement from the Technician Class exam. At that point, the combination of a code-free entry path and the popularity of VHF and UHF repeaters quickly turned the Technician Class into the favored entry path into the service. In fact, by 1999, when the Commission issued its restructuring decision, it decided to stop issuing new Novice Class licenses (but determined that it would renew existing Novice licenses indefinitely). However, even during the post-1991 period, it was possible for Technicians to gain Novice Class HF privileges by simply passing a 5 wpm code exam. From 1991 to 2000, these amateurs were issued "Technician Plus" licenses indicating their additional privileges. In the 1999 restructuring decision, the Tech Plus as a distinct license class was eliminated but those Technicians who had passed their code tests retained their Novice HF privileges. Even since 2000, it has continued to be possible for Technicians to continue qualifying for Novice HF privileges by passing their code tests. The FCC no longer keeps records of these "mini-upgrades," so it is impossible to tell from the Commission's statistics how many Technicians have availed themselves of this opportunity.

12. There is a perception, particularly among those amateurs with strong technical and/or engineering backgrounds -- and apparently shared by the Commission as well -- that the code test has been the only impediment to upgrading, and that the current written exams are relatively easy. This may be true if you are an electrical engineer, an electronics technician or someone for whom math skills are a strength. But we are not all technicians and engineers. One of amateur radio's greatest assets is that it draws people from all walks of life, with all varieties of skills in different areas. As a result, not every ham is a math whiz and not every ham finds the written exams to be easy.

13. Many hams find passing the General or Extra Class written exams to be more difficult than passing a 5 wpm code test. For example, how many non-technical hams can answer the question, "What is the voltage across a 500-turn secondary winding in a transformer if the 2250-turn primary is connected to 120 VAC?"¹ or "What is the peak-

¹ Question G5B06, current General Class question pool

to-peak voltage of a sine wave that has an RMS voltage of 120 volts?"² For these hams, the combination of the Technician exam and the 5 wpm code test has provided limited access to HF so the licensee could operate below 30 MHz while learning and studying for an upgrade exam. Under the Commission's proposal, this route would be removed and qualifying for the General would be the only way to gain access to any HF privileges. The effect would be to make access to HF *more* difficult rather than less difficult for a great many amateurs.

14. There are many amateurs who believe that because technical skills have always been a large part of amateur radio, it is necessary and appropriate to make the licensing exams serve as assessments of a candidate's technical skill level. However, as the Commission itself states in this NPRM, "the purpose of the written examinations, under our rules, is not to determine whether a person has achieved a particular level of skill, but rather to determine whether an individual can properly operate an amateur station."³

15. The Commission states clearly in the NPRM that it feels it is inappropriate to grant additional frequency privileges to Technician Class licensees, especially considering the pending *Phone Band Expansion NPRM*⁴, which would, if approved, grant privileges to Novices and Technicians with code across the entire General Class CW segments on the 80, 40 and 15 meter amateur bands. However, in proposing to eliminate the code exam without making any other changes in the licensing structure or in frequency privileges authorized to various license classes, the Commission will be barring current Technician Class licensees (who have not yet passed a code test) from gaining access to any of these bands without a full upgrade to General. We believe this will work against the best interests of amateur radio.

16. In addition, the NPRM is *unclear* on the status of current Technicians with code exam credit. Will they retain their current HF privileges? Once the code test is removed as an examination element, there will be no differentiation between those Technicians who have passed a code test and those who have not. The Commission is clear that it does not feel Technicians have demonstrated the necessary skills to operate on HF (although it is unclear how a code test currently demonstrates those skills), and it does not feel it is appropriate to give them all HF privileges. Once the code test is removed as an examination element, what justification will there be for granting HF privileges to one group of Technicians while denying them to others? If it becomes impossible for members of the VHF-only group to become members of the HF+VHF group, then the Commission will likely be forced by the equal protection clause of the Constitution to either grant HF privileges to all Technicians or remove HF privileges from all Technicians. We believe the Commission is well aware of the potential pitfalls of taking away privileges currently enjoyed by any group of amateurs.

17. While we can understand the Commission's reluctance to add a new entry-level license class, as proposed separately by the American Radio Relay League (ARRL) and the National Council of Volunteer Examiner Coordinators (NCVEC), just five years after streamlining the license structure by reducing the number of license classes to three,

² Question G5B09, current General Class question pool

³ WT Docket 05-235, paragraph 37

⁴ WT Docket 04-140

we feel it is wrong to just remove the code exam without offering another avenue for entry-level access to HF short of passing the General Class written exam.

18. Our proposal, as initially outlined in our preliminary comments in this matter, and restated here, is to merge the Novice and Technician licenses, granting Novice HF privileges to Technicians and granting Technician VHF/UHF privileges to Novices.

19. Admittedly, this will grant HF privileges to Technicians without demonstrating HF-specific skills, but there is currently no requirement for Technicians who pass a code test to demonstrate HF-specific skills in order to be granted HF privileges. In addition, the NCVEC could revise the Technician exam to include HF-related material so that future Technicians will be required to demonstrate that they can properly operate an amateur station on the HF bands. (We also call on the Commission to urge NCVEC to reduce the size and complexity of the Technician Class question pool, which appears to be driving away potential amateurs. The NCVEC needs to be reminded that "the purpose of the written examinations, under our rules, is not to determine whether a person has achieved a particular level of skill, but rather to determine whether an individual can properly operate an amateur station.")

20. We also acknowledge that, if the *Phone Band Expansion* NPRM is approved, this will make a large amount of HF spectrum space available to Technicians, but the spectrum in question is limited to the CW and digital subbands on 80, 40 and 15 meters. What better way will there be to encourage Technicians to learn the code, once the test requirement is eliminated, than to grant them code-only privileges on bands with worldwide communication potential? It will be an incentive for them to learn and use the code, which would then place them on a par with those Technicians who have passed their code exams and who will have access to all this space if the *Phone Band Expansion* NPRM is approved and no change is made to the code test rules.

21. Finally, this proposal will grant Novice Class licensees additional privileges on VHF and UHF without having to pass another exam, but the Novice exam already includes VHF/UHF related topics (Novices have privileges on 222 and 1296 MHz), and there are so few active Novices that it really is mostly irrelevant.

22. This will also have the administrative benefit of permitting the FCC to phase out the Novice license within ten years, as current holders of Novice licenses would be renewed as Technicians.

23. The success of the Foundation License in the United Kingdom demonstrates the great appeal of an entry-level license with HF privileges. If the Commission does not want to create a new license class (and we can understand that reluctance), it can accomplish the same goals by adopting our proposal as outlined above.

IV. Written Examination Content

24. In this NPRM, the Commission has declined to consider petitions urging it to reassert its authority and involvement in the process of developing and drafting amateur license exams. This authority has currently been delegated entirely to the Question Pool Committee (QPC) of the National Council of Volunteer Examiner Coordinators (NCVEX). The QPC currently consists of only three individuals and is responsible only to the NCVEC, which represents those organizations authorized by the Commission to develop and conduct amateur license exams on its behalf.

25. While the QPC generally does an excellent job, the fact that it is unaccountable either to the Commission or the broader amateur community is troubling. In addition, many amateurs feel strongly that the QPC's current Technician question pool of more than 700 possible questions for a 35-question exam is excessive and is driving away many potential amateurs. The Commission needs to retain, or reassert, some level of involvement in this process. The exams are given on the Commission's behalf. They are FCC exams. Yet the Commission has given up all control over their content or administration.

26. The success of our system of government is based largely on accountability. The people, through their elected representatives in Congress, may hold federal agencies accountable for their actions. This prevents abuses that are all too common in other countries with other systems of government. When a federal agency such as the FCC gives up its authority over one of its functions to a non-elected, non-accountable, group of (currently) **three private citizens** who have not even been appointed by the Commission and are not responsible to the Commission, the chain of accountability is broken. The people have no recourse if they are unsatisfied. The chain of accountability must be restored. We must be able to come to the Commission if we are unsatisfied with the structure or content of FCC license exams and be able to bring our concerns to someone with authority to require necessary changes. We respect and appreciate the hard work of the QPC, but the Commission must reassert its oversight authority in the process of developing as well as administering amateur exams.

V. Summary and Conclusion

27. Overall, we concur with the Commission's proposal to remove the Morse code examination requirement from amateur exams. We would prefer, for the sake of consensus on a very contentious issue, that at this time, the code test be retained for the Amateur Extra class license.

28. However, we strongly disagree with the proposal to eliminate the code test without providing a suitable replacement path for entry-level access to HF short of qualifying for the General Class license, an exam that is very difficult for those among us whose strengths lie in areas other than math and engineering skills. We feel that the Commission's proposal, as it stands, would set amateur radio back 50 years. The need for entry-level access to HF is no different in 2005 than it was in 1951.

29. Our recommendation, for all the reasons discussed above, is to provide this entry-level access via the Technician Class license by combining the Novice and Technician Class licenses, thus granting limited Novice HF privileges to Technicians and full VHF/UHF privileges to Novices.

30. Finally, we urge the Commission to reassert its authority over the process of developing amateur licensing exams and work with the NCVEC's Question Pool Committee to rewrite the Technician exam to include HF-related questions, and at the same time, to reduce the size and complexity of the Technician Class question pool in order to stop driving away potential licensees.

Respectfully submitted
CQ Communications, Inc.

By Richard Moseson (W2VU)
Editorial Director
Dated: September 30, 2005

CQ Communications, Inc.
25 Newbridge Rd.
Hicksville, New York 11801